

**WSR 22-17-162  
EXPEDITED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed August 24, 2022, 9:35 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-109 WAC, rules concerning the administration of elections for elected members of the state board of education.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The office of superintendent of public instruction (OSPI) is proposing to repeal chapter 392-109 WAC since the rules are no longer applicable due to a change in statute.

Reasons Supporting Proposal: The Washington state legislature passed HB 1974 (2022) moving the administration of elections for elected members of the state board of education to the Washington State School Directors' Association (WSSDA). As WSSDA is now responsible for the administration of these elections and establishing related procedures, the rules under chapter 392-109 WAC are no longer valid.

Statutory Authority for Adoption: RCW 28A.305.021.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Kristin Murphy, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6133.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule; or

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: RCW authorizing OSPI to administer elections for elected members of the state board of education was amended in 2022. The amendment moved the responsibility to WSSDA. Therefore, OSPI no longer has the authority to administer these elections and the related rules are no longer applicable.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kristin Murphy, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6133, email Kristin.murphy@k12.wa.us, AND RECEIVED BY October 25, 2022.

August 16, 2022  
Chris P. S. Reykdal  
State Superintendent of Public Instruction

**OTS-3986.1**

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 392-109-037	Purpose and authority.
WAC 392-109-040	Composition.
WAC 392-109-043	Election officer.
WAC 392-109-045	Definitions.
WAC 392-109-047	Annual elections.
WAC 392-109-048	Election timeline.
WAC 392-109-050	Elector information.
WAC 392-109-060	Call of election.
WAC 392-109-065	Candidates—Eligibility—Filing.
WAC 392-109-070	Declaration of candidacy form.
WAC 392-109-075	Optional candidate statement.
WAC 392-109-077	Withdrawal of candidacy.
WAC 392-109-080	Ballots—Contents.
WAC 392-109-085	Ballots and envelopes—Mailing to electors.
WAC 392-109-090	Voting—Marking and return of ballots.
WAC 392-109-095	Election counting boards—Appointment and composition.
WAC 392-109-100	Receipt of ballots and count of votes.
WAC 392-109-105	Ineligible votes.
WAC 392-109-111	Run-off election.
WAC 392-109-112	Dispute resolution.
WAC 392-109-115	Report and certification of election.
WAC 392-109-120	Vacancies and appointments.